

Environmental Protection Agency

§ 24.01

§ 23.12 Filing notice of judicial review.

(a) For the purposes of 28 U.S.C. 2112(a), a copy of any petition filed in any United States Court of Appeals challenging a final action of the Administrator shall be sent by certified mail, return receipt requested, or by personal delivery to the General Counsel. The petition copy shall be time-stamped by the Clerk of the Court when the original is filed with the Court. The petition should be addressed to: Correspondence Control Unit, Office of General Counsel (LE-130), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

(b) If the General Counsel receives two or more petitions filed in two or more United States Courts of Appeals for review of any Agency action within ten days of the effective date of that action for purposes of judicial review (as specified under §§ 23.2 through 23.10 of this part), the General Counsel will notify the United States Judicial Panel of Multidistrict Litigation of any petitions that were received within the ten day period, in accordance with the applicable rules of the Panel.

(c) For purposes of determining whether a petition for review has been received within the ten day period under paragraph (b) of this section, the petition shall be considered received on the date of service, if served personally. If service is accomplished by mail, the date of receipt shall be considered to be the date noted on the return receipt card.

[53 FR 29322, Aug. 3, 1988]

PART 24—RULES GOVERNING ISSUANCE OF AND ADMINISTRATIVE HEARINGS ON INTERIM STATUS CORRECTIVE ACTION ORDERS

Subpart A—General

Sec.

24.01 Scope of these rules.

24.02 Issuance of initial orders; definition of final orders and orders on consent.

24.03 Maintenance of docket and official record.

24.04 Filing and service of orders, decisions, and documents.

24.05 Response to the initial order; request for hearing.

24.06 Designation of Presiding Officer.

24.07 Informal settlement conference.

24.08 Selection of appropriate hearing procedures.

Subpart B—Hearings on Orders Requiring Investigations or Studies

24.09 Qualifications of Presiding Officer; *ex parte* discussion of the proceeding.

24.10 Scheduling the hearing; pre-hearing submissions by respondent.

24.11 Hearing; oral presentations and written submissions by the parties.

24.12 Summary of hearing; Presiding Officer's recommendation.

Subpart C—Hearings on Orders Requiring Corrective Measures

24.13 Qualifications of Presiding Officer; *ex parte* discussion of the proceeding.

24.14 Scheduling the hearing; pre-hearing submissions by the parties.

24.15 Hearing; oral presentations and written submissions by the parties.

24.16 Transcript or recording of hearing.

24.17 Presiding Officer's recommendation.

Subpart D—Post-Hearing Procedures

24.18 Final decision.

24.19 Final order.

24.20 Final agency action.

AUTHORITY: 42 U.S.C. sections 6912, 6928, 6991b.

SOURCE: 53 FR 12263, Apr. 13, 1988, unless otherwise noted.

Subpart A—General

§ 24.01 Scope of these rules.

(a) These rules establish procedures governing issuance of administrative orders for corrective action pursuant to sections 3008(h) and 9003(h) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (the Act), and conduct of administrative hearings on such orders, except as specified in paragraphs (b) and (c) of this section.

(b) The hearing procedures appearing at 40 CFR part 22 govern administrative hearings on any order issued pursuant to section 3008(h) of the Act which:

(1) Is contained within an administrative order that includes claims under section 3008(a) of the Act; or

(2) Includes a suspension or revocation of authorization to operate under section 3005(e) of the Act; or